

CERTIFIED MAIL NO. XXXXXXXXX  
RETURN RECEIPT REQUESTED

Mr. Glenn Hickman  
President and CEO  
Hickman's Egg Ranch, Inc.  
6515 South Jackrabbit Trail  
Buckeye, AZ 85326

Dear Mr. Hickman,

Hickman's Egg Ranch, Inc. ("Hickman") currently owns and/or operates the egg-laying facilities located at 1) 32425 W. Salome Highway in Arlington, Arizona (the "Arlington Facility") and at 2) 41625 West Indian School Road in Tonopah, Arizona (the "Tonopah Facility") (collectively, the "Facilities"). For the purpose of the Clean Air Act, 42 U.S.C. §§ 7401-7671q ("CAA"), the Arlington Facility and the Tonopah Facility are under the primary jurisdiction of the Maricopa County Air Quality Department. In order to determine whether the Facilities are in compliance with its operating permit, Prevention of Significant Deterioration of Air Quality ("PSD") requirements, New Source Review ("NSR") requirements, federal New Source Performance Standards ("NSPS") requirements, and other requirements of the CAA, you and Hickman are hereby required, under the authority of Section 114 of the CAA, 42 U.S.C. § 7414, to submit the following information and documents with respect to the CAA in Section I of this letter for the identified Facilities within forty-five (45) calendar days after receipt of this letter to the U.S. Environmental Protection Agency, Region 9 ("EPA"). Additionally, in order to determine compliance with Section 313 of the Emergency Planning and Community Right to Know Act ("EPCRA 313"), 42 U.S.C. § 11023, you and Hickman are hereby required, under the authority of Section 325 of EPCRA, 42 U.S.C. § 11045, to submit the additional following information and documents with respect to EPCRA 313 in Section II of this letter for the identified Facilities within forty-five (45) calendar days after receipt of this letter to the EPA. In responding to this request, Hickman shall use the set of instructions provided in Enclosure 1.

**I. Hickman must submit the following information with respect to the CAA:**

1. Provide copies of process plot diagrams showing the layout of all buildings at Hickman Facilities, including barns and compost and fertilizer manufacturing sites. These diagrams include area maps of the Facilities showing the location of each Facility and their property

boundaries and the location of the waste stream facility processes, including feed, waste water, dust control, air flow, and other processes applicable to the raising of poultry, processing of eggs, and manufacturing and processing of compost and fertilizer. This includes property owned and controlled (e.g., leased) by Hickman.

2. Provide a list of all operational parameters monitored by Hickman at each Facility.
3. Provide a spreadsheet or table showing monitored operational parameters for each Facility from January 2012 to present. This information must be broken down by building and include, at a minimum:
  - a. The number of poultry at each barn,
  - b. The number of fans available for operation,
  - c. The number of fans operating at any given time, and
  - d. The ventilation rates/air flow rates at each fan during operation (daily average in standard cubic feet per minute). If each fan is a constant fan (without variable speeds), this information will be the fans design air flow rate and must be documented.
4. Provide the design capacity for each poultry (or egg laying) barn at each Facility. This capacity must be the maximum number of chickens that could be housed in each building at each Facility.
5. With respect to the overall maintenance of chickens, identify all Facility operating locations including, but not limited to, barns, crematories, and compost and fertilizer manufacturing sites which Hickman operates for either industrial or agricultural purposes, including the housing of chickens, and provide dates when each location had commenced construction and the dates when each commenced operation. Separately, identify all facility locations where Hickman has conveyed plans to increase capacity of operations, including the addition of more chickens, and dates planned to commence the increase.<sup>1</sup>
6. Identify the layer or pullet capacity of each barn identified in response to Request #5, both before and after the installation of the manure turning equipment.
7. Provide results of all sampling or testing, including for but not limited to particulate matter (PM), PM<sub>2.5</sub>, CO<sub>2</sub> and volatile organic compounds (VOC), performed by Hickman or any other entity at the barns identified in response to Request #5 since the installation of the manure turning system and for entirety of the prior year, including but not limited to environmental sampling or tests, tests related to equipment operation, and insect or pest managements. These results and information should include, but not limited to, moisture content of manure air emissions from the system, fly life cycle impacts.

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<sup>1</sup> Citation to policy memo regarding comment of construction and operations.

8. Provide information on sampling and/or testing procedures and monitors used for results responding to Request #5.
9. With respect to manure turning, identify all Facility operating locations, including, but not limited to, barns, and compost and fertilizer manufacturing sites where Hickman is currently implementing manure turning and provide the dates when each manure turning system had commenced construction and the dates when each commenced operations. Separately, identify all facility locations where Hickman has conveyed plans to implement manure turning and dates planned for installation and commencement.
10. State the purpose and end-product of each manure turning equipment identified in response to Request #9.
11. Provide results of all sampling or testing, including for but not limited to PM, PM<sub>2.5</sub>, CO<sub>2</sub> and volatile organic compounds (VOC), performed by Hickman or any other entity at the barns and compost or fertilizer manufacturing sites identified in response to Request #2 since the installation of the manure turning system and for entirety of the prior year, including but not limited to environmental sampling or tests, tests related to equipment operation, and insect or pest managements. These results and information should include, but not limited to, moisture content of manure air emissions from the system, fly life cycle impacts.
12. Provide sampling and/or testing procedures and monitors used for results responding to Request #9.
13. Identify all barns and compost and fertilizer manufacturing sites where Hickman has installed a manure conveyer belt system, and provide the dates when each conveyer belt system was installed and commenced operation.
14. State the purpose and end-product of each manure turning equipment identified in response to Request #13.
15. Identify the layer or pullet capacity of each barn and each compost and fertilizer manufacturing site identified in response to Request #13, both before and after the installation of the manure conveyor belt system.
16. Identify any other barns currently being rebuilt or repaired, the schedule for such work, the type of manure handling equipment that will be installed in each, if any, and the number of chickens each barn will house.

17. Identify any other compost and fertilizer manufacturing site currently being rebuilt or repaired, the schedule for such work, the type of manure handling equipment that will be installed in each, if any, and the amount of waste per chicken each compost and fertilizer manufacturing site will process.
18. Describe the source(s) of PM at the Facilities.
19. Describe the management practices used to control PM from compost piles at the Hickman Facilities.
20. Identify all schedules pursuant to any state or local agreements or orders that require installation of manure turning equipment at the Facilities, or pursuant to any proposal by Hickman to install additional such equipment.
21. State whether Hickman is in compliance with any schedules identified to Request #20, and if not, explain why not.
22. Identify all schedules pursuant to any state or local agreements or orders for installing manure conveyor belt systems in additional barns and compost and fertilizer manufacturing site, or pursuant to any proposal by Hickman to install additional such equipment.
23. State whether Hickman is in compliance with any schedules identified in response to Request #22, and if not, explain why not.

**II. Hickman must submit the following information with respect to EPCRA 313:**

24. Explain whether you have reported to the TRI Program<sup>2</sup> for reporting years 2012, 2013, or 2014 for each Hickman Facility. Provide copies of reports, if applicable. Provide reasons for not reporting, if applicable.
25. Provide copies of certified mail receipts and copies of signed, dated 2012, 2013 and 2014 Form A reports and/or Form R reports, if any.

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<sup>2</sup> EPCRA 313 created the TRI Program. Under EPCRA, all U.S. facilities that meet TRI reporting criteria must submit TRI data to EPA and the states in which they are located by July 1 of each year. Information about the TRI Program can be found at <http://www.epa.gov/toxics-release-inventory-tri-program>. TRI reporting forms are available at <http://www.epa.gov/toxics-release-inventory-tri-program/tri-reporting-forms-and-instructions>.

26. List all the North American Industry Classification System (NAICS) codes for each of Hickman's Facilities that Hickman currently uses and has used in the past, and differentiate the primary NAICS code for each Facility from the other NAICS codes, if applicable.
27. Provide each Hickman Facility's hours of operation, and provide the number of employees and employee equivalents (i.e., number of hours worked), including hours worked by contracted workers (i.e., hired through third-party employers and contracted prison labor), at each Facility for each year since January 2012. Provide documentation of work hours of employees and contracted laborer at each Facility.
28. Provide copies of original and currently renewed local, State, and federal permits (including but not limited to air, water, and storm water pollution prevention plan) which Hickman's Facilities have and are pending under an application.
29. Provide whether Hickman tracks toxic chemical use, processing, or manufacture in each Facility, and describe how Hickman tracks such chemicals.
30. Provide a list of all Hickman products.
31. Provide Safety Data Sheets of all products containing TRI-listed chemicals used at the Facilities during calendar years 2012, 2013 and 2014.
32. List all chemicals that each Hickman Facility has manufactured, including imported chemicals, since January 2012 to the present. Include the amount of each chemical manufactured during each calendar year in pounds (lbs.). Provide copies of a chemical inventory or, if none, purchase and use records. Provide threshold calculations used for TRI reporting determination or Form R reports for 2012, 2013 and 2014, if any.
33. List all chemicals that each Hickman Facility has processed since January 2012 to the present. Include the amount of each chemical processed during each calendar year in lbs. Provide copies of a chemical inventory or, if none, purchase and use records. Provide threshold calculations used for TRI reporting determination or Form R reports for 2012, 2013 and 2014, if any.
34. List all chemicals that each Hickman Facility has otherwise used apart from manufacturing or processing, since January 2012 to the present. Include the amount of each chemical used during each calendar year in lbs. Provide copies of a chemical inventory or, if none, purchase and use records. Provide threshold calculations used for TRI reporting determination or Form R reports for 2012, 2013 and 2014, if any.

35. Describe the waste stream of the Facilities, including waste water, poultry carcasses (i.e., culled chickens), eggs and manure.
36. Describe how Hickman transports waste, including waste water, poultry carcass, eggs and manure, between its Tonopah and Arlington Facilities, if applicable. Include whether Hickman transports waste from the Tonopah Facility to the Arlington Facility, and if so whether it is used to manufacture compost or fertilizer.
37. Provide copies of Hickman's Risk Management Plan or equivalent for each Facility.
38. Identify all persons responsible for responding to this Request for Information, including their titles and the request(s) to which they responded.

The responsive information shall be accompanied by a cover letter sent via certified mail with return receipt requested to the following address:

Ms. Kathleen H. Johnson  
Director, Enforcement Division  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Attn: Janice Chan (ENF-2-1)

Please be advised that under Section 113(a) of the Act, 42 U.S.C. § 7413(a), failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act, 42 U.S.C. § 7413(b), provides for the assessment of a civil penalty, which has been adjusted for inflation to \$37,500 per day, for each violation of the Act. See 40 C.F.R. § 19.4 (for penalties effective after January 12, 2009). In addition, Section 113(c) of the Act, 42 U.S.C. § 7413(c), provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act. The information provided by Hickman may be used by the United States in administrative, civil, or criminal proceedings.

You may, if you desire, assert a confidential business information ("CBI") claim on behalf of Hickman covering part or all of the information provided to EPA in response to this letter. Any such CBI claim must conform to the requirements set forth in 40 C.F.R. Part 2, particularly 40 C.F.R. § 2.203, and contain supporting documentary evidence, as specified in Enclosure 2. In addition, any such claim must be substantiated in accordance with 40 C.F.R. § 2.204(e)(4). The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

You are advised that certain information may be made available to the public pursuant to Section 114(c) of the Act, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. Please note that emission data provided pursuant to Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. Emission data is defined at 40 C.F.R. §§ 2.301(a)(2). If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to Hickman.

This information request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C §§ 3502(3) and 3518(c)(1), since it is being issued during the conduct of an investigation involving the EPA against specific individuals or entities. See also 5 C.F.R. § 1320.4.

Hickman shall submit its response to this request postmarked no later than thirty (30) calendar days after receipt of this letter. All information submitted in response to this request must be certified in a signed, separate statement as true, correct, accurate, and complete, to the best of his/her knowledge, by an individual with sufficient knowledge and authority to make such representations on behalf of Hickman. On the last page of your response to this information request, include the certification contained in Enclosure 2.

If Hickman anticipates that it will not be able to respond fully to this request within the time period specified, Hickman must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing the efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if Hickman determines that a full response to a particular request for information would require the submission of an extremely large number of documents or data files. Based upon such notification, EPA may modify the scope of the documents required to be produced.

If you have any questions regarding this request, please contact Janice Chan of my staff at (415) 972-3308; or your attorney can contact XXX XXX, Office of Regional Counsel, at (415) XXX-XXXX. Thank you for your cooperation in this matter.

Sincerely,

Kathleen H. Johnson  
Director, Enforcement Division

Enclosures

cc:

Eric Massey, Director, Arizona Department of Environmental Quality  
Phillip McNeely, Director, Maricopa Air Quality Department



## ENCLOSURE 1: Instructions

- 1) Prepare a cover letter that includes a written response to all requests referencing the request number to which each answer or document pertains. In addition, attach to the cover letter the signed statement of certification provided in Enclosure 3.
- 2) Provide responses to this Request for Information in English, in written document form, and in electronic form using spreadsheet or word processing software (e.g., Word or Excel) or in PDF format, provided you have access to such software.
- 3) To the extent that Hickman has no responsive information or documents for any particular request, this must be explicitly stated in the response.
- 4) Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
- 5) To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.
- 6) All submitted documents should be copies, and not original documents.
- 7) Indicate on each document produced the number of the question to which it corresponds.
- 8) To the extent that Hickman has no responsive information or documents for any particular request, this must be explicitly stated in the response. Where the reason for no response is that it is unavailable, state so with "NONE." Where the reason for no response is that Hickman does not know, state so with "IDK." For other reasons (e.g., not applicable) for no response, provide a detailed narrative.
- 9) All responsive documents must be:
  - a) provided as an accurate and legible copy in a searchable PDF file format;
  - b) submitted on a disk (CD or DVD media); and
  - c) number stamped in sequential order (e.g. BATES stamped).

## ENCLOSURE 2: Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, Subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

Specify by page, paragraph and sentence when identifying information from a document where you make a CBI claim. Where your claim does not include all information on a page, please attach a copy of each such page with brackets around the text you claim to be CBI. If a page, document, or group or class of documents claimed by you to be CBI contains a significant amount of information which our Regional Counsel determines is not CBI, your CBI claim regarding that page, document, or group or class of documents may be denied.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. *See* 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).



If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Information Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

### ENCLOSURE 3: Definitions

1. The terms “document” and “documents” means any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. The term includes electronic mail and text messages. If in computer format or memory, each such document must be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents in hard copy also should include attachments to or enclosures with any document.
2. The term “person” or “entity” includes an individual, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal entity, organization or association.
3. The terms “Hickman,” “you,” and “your” include Hickman’s Egg Ranch, Inc., Hickman’s Family Farms, and any affiliates, predecessors, successors, and assigns.
4. The term “manufactured” means to produce, prepare, import, or compound a toxic chemical. The term also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use, or disposal of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that other chemical or mixture of chemicals as an impurity. See 40 C.F.R. § 372.3.
5. The term “process” means the preparation of a toxic chemical, after its manufacture, for distribution in commerce in the same form or physical state as, or in a different form or physical state form, that in which it was received by the person so preparing such substance; or as part of a an article containing the toxic chemical. The term also applies to the processing of a toxic chemical contained in a mixture or trade name product. See 40 C.F.R. § 372.3.
6. The term “otherwise use” means any use of a toxic chemical, including a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms “manufacture” or “process.” Otherwise use of a toxic chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless the toxic chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or The toxic chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste

management activities. Relabeling or redistributing of the toxic chemical where no repackaging of the toxic chemical occurs does not constitute otherwise use or processing of the toxic chemical. See 40 C.F.R. § 372.3.

7. The terms “trade name” and “trade names” include The Farm’s Choice.
8. “Affiliate” or “affiliated” means any entity that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with the entity named in the sentence where “affiliate” or “affiliated” is used.

ENCLOSURE 4: Statement of Certification

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Hickman's Egg Ranch, Inc. is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA's") request for information, issued pursuant to Section 114(a) of the Clean Air Act and Section 325 of the Emergency Planning and Community Right to Know Act, to determine whether the facility is in compliance with the Clean Air Act and the Emergency Planning and Community Right to Know Act.

I certify that I am fully authorized by Hickman's Egg Ranch, Inc. to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_